

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MAJESTIC HILLS, LLC,

Debtor,

v.

No.: 20-21595-GLT

Chapter 11

MAJESTIC HILLS, LLC; JND
PROPERTIES, LLC;
PENNSYLVANIA SOIL AND ROCK,
INCORPORATED; MARK R.
BRASHEAR; ALTON INDUSTRIES, INC.;
JOSEPH N. DENARDO d/b/a J.N.D.
PROPERTIES; and SHARI DENARDO,

Adversary No. 20-

Defendants,

v.

STRNISHA EXCAVATION, INC. and
MORRIS KNOWLES & ASSOCIATES,
INC.,

Third Party Defendants.

**STRNISHA EXCAVATION'S MOTION TO EXTEND TIME TO RESPOND TO
DEBTOR'S MOTION FOR AN ORDER: (1) APPROVING THE SETTLEMENT
AGREEMENT AND RELEASE BETWEEN THE DEBTOR AND WESTFIELD
INSURANCE COMPANY (2) APPROVING THE SALE OF CERTAIN INSURANCE
POLICIES, AND (3) ISSUING AN INJUNCTION PURSUANT TO THE SALE OF
CERTAIN INSURANCE POLICIES**

Strnisha Excavation, Inc. by through their counsel DiBella, Geer, McAllister & Best, P.C.
file the following Motion to Extend Time to Respond to Debtor's Motion for an Order (1)
Approving the Assumption of the Settlement Agreement and Release between the Debtor and
Westfield Insurance Company (2) Approving the Sale of Certain Insurance Policies, and (3)
Issuing an Injunction Pursuant to the Sale of Certain Insurance Policies as follows:

1. On May 21, 2020, the debtor initiated this case by filing a Voluntary Petition for Relief Under Chapter 11.

2. On May 21st the debtor also filed Chapter 11 Plan of Reorganization at document 15 and the two following Motions: Motion for an Order (1) Approving the Assumption of the Settlement Agreement and Release between the Debtor and Mutual Benefit Insurance Company (2) Approving the Sale of Certain Insurance Policies, and (3) Issuing an Injunction Pursuant to the Sale of Certain Insurance Policies (the Mutual Benefit Motion) (Doc. 10); and Motion for an Order (1) Approving the Assumption of the Settlement Agreement and Release between the Debtor and Westfield Insurance Company (2) Approving the Sale of Certain Insurance Policies, and (3) Issuing an Injunction Pursuant to the Sale of Certain Insurance Policies (the Westfield Motion) (Doc. 12) collectively (hereinafter referred to as “the Motions”).

3. Responses to the Motions were due on June 8, 2020.

4. The undersigned counsel represents Strnisha Excavation, Inc., an Additional Defendant in the underlying lawsuits pending in the Washington County litigation and a Third Party Defendant in the pending U.S. District Court for the Western District of Pennsylvania.

5. In order to respond in a timely manner it was necessary for the undersigned counsel to become admitted to U.S. Bankruptcy Court for the Western District of Pennsylvania.

6. In order to become admitted to the U.S. Bankruptcy Court it was necessary that the undersigned counsel also be admitted to practice in the U.S. District Court for the Western District of Pennsylvania. The undersigned counsel has been admitted in U.S. District Court for the Western District of Pennsylvania since 1978.

7. On approximately June 5, 2020 a representative of U.S. Bankruptcy Court advised the undersigned counsel that he did not satisfy the court's criteria for admission because he was not admitted to the U.S. District Court for the Western District of Pennsylvania.

8. After further communications between the undersigned counsel and the clerk for the U.S. Bankruptcy Court, it was determined that there had been a misunderstanding as to the spelling of the undersigned counsel's last name and as a result the undersigned counsel had not been admitted to practice. In fact, it was finally confirmed on June 5, 2020 that the undersigned counsel had been admitted to the U.S. District Court for the Western District of Pennsylvania in 1978 and was, in fact, eligible to be admitted in the U.S. Bankruptcy Court. Accordingly, the undersigned counsel was permitted to enter his appearance after being admitted to practice in the U.S. Bankruptcy Court.

9. On June 8, 2020 upon attempting to enter the appearance it was learned that the appearance could not be docketed because Strnisha Excavation, Inc. was not listed as a party on the bankruptcy court's docket. The reason for this is unknown. The appearance entered in this court on behalf of Strnisha Excavation, Inc. has been approved as of 6/9/2020, too late to respond to the June 8, 2020 due date.

WHEREFORE, Strnisha Excavation, Inc. respectfully requests that this Honorable Court enter an Order providing Strnisha Excavation, Inc. with an additional seven (7) days to respond to the Debtor's Motions.

Respectfully submitted,

/s/ Paul K. Geer, Esquire

Paul K. Geer, Esquire

PA I.D. No.: 27675

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CERTIFICATE OF SERVICE

I, PAUL K. GEER, ESQUIRE hereby certify that a true and correct copy of the foregoing Motion to Extend Time to Respond to Debtor's Motion for an Order (1) Approving the Assumption of the Settlement Agreement and Release between the Debtor and Westfield Insurance Company (2) Approving the Sale of Certain Insurance Policies, and (3) Issuing an Injunction Pursuant to the Sale of Certain Insurance Policies has been forwarded to the following, via: Email, this 9th day of June, 2020:

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Respectfully submitted,

BY: /s/ Paul K. Geer
PAUL K. GEER, ESQUIRE

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